

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LEXYS ALLYSABETH-AMOR  
MCELROY, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MOLLY MCELROY,

Respondent-Appellant.

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UNPUBLISHED

May 2, 2006

No. 266256

Jackson Circuit Court

Family Division

LC No. 03-002554-NA

Before: White, P.J., and Fitzgerald and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (j) and (m). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent does not contest the sufficiency of the evidence to establish a statutory ground for termination but contends that the termination of her parental rights was contrary to the best interests of the child. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 356-357.

The trial court did not clearly err by finding that the child's best interests did not preclude termination of respondent's parental rights. The child was removed from respondent's care at birth or shortly thereafter. In connection with prior proceedings concerning another child (to whom respondent voluntarily relinquished her parental rights), respondent participated in a psychological evaluation, which indicated that she is extremely unstable and would pose a very high risk of abuse to a child. Treatment of her personality disorders would require long-term psychotherapy. Since that previous evaluation, respondent has not even begun the long treatment process for her conditions, and she has continued to exhibit extremely volatile and assaultive behavior. Under these circumstances, it is certainly reasonable to conclude that

respondent continues to pose a high risk of harm to a child, which is unlikely to be alleviated within a reasonable time.

Respondent argues on appeal that the agency should have provided services directed toward reunification with Lexys. However, this is a case in which services are not required, by virtue of respondent's previous voluntary relinquishment of parental rights after the commencement of child protective proceedings. MCL 712A.19a(2)(a); MCL 722.638(1)(b)(ii). We note that respondent failed to avail herself of anger management services in the previous matter involving Brandi, indicating that she did not feel it was necessary, and failed to complete parenting classes during that matter because of her incarceration.

Affirmed.

/s/ Helene N. White  
/s/ E. Thomas Fitzgerald  
/s/ Michael J. Talbot